

Appl. No. : **09/213,138**
Filed : **December 16, 1998**

SUMMARY OF INTERVIEW

Applicant wishes to thank the Examiner for her time and consideration of Applicant's claims during the telephone interview conducted on June 28, 2006.

Identification of Claims Discussed

Claim 1 was discussed.

Identification of Prior Art Discussed

The art discussed during the interview was U.S. Patent No. 5,966,697 to Ferguson et al.

Proposed Amendments

Consistent with Applicant's position that the present claims narrowly describe Applicant's invention as patentably distinct over the prior art, no amendments were proposed during the interview.

Arguments

During the interview, claimed limitations were discussed in view of the cited art. In particular, the product database including third data representing an association between said product and said competing product was discussed.

Results of Interview

No agreement was reached with respect to the claims.

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REMARKS

In the Office Action mailed on February 27, 2006 (the "Office Action"), the Examiner did not maintain prior rejections of Claims 1-10, 15-17, and 19-25. Based on the prior response filed on December 12, 2005 to the office action mailed on February 9, 2005, and the fact that no prior rejection is maintained, we assume that the prior rejections are withdrawn.

Applicant wishes to point out for the record that this application has been pending since 1998. Numerous rejections have been made, and based on Applicant's responses, all have been withdrawn. The result of all careful past examinations by the PTO has been that Applicant's invention is patentably distinct over all cited art. The present examination is no different than the prior examinations. U.S. Patent No. 5,966,697 to Ferguson et al. ("Ferguson") is yet another example of a standard electronic shopping disclosure that fails to teach or suggest the claimed invention.

All of the pending claims, Claims 1-10, 15-17 and 19-25, are presently rejected under 35 U.S.C. § 102(e) as being anticipated in view of Ferguson. However, Ferguson does not disclose each and every limitation of any of the pending claims. Thus, each pending claim is patentable over Ferguson.

Other than the rejections based on Ferguson, the Examiner raised no other rejection. Because Ferguson does not demonstrate any of the pending claims to be unpatentable, each of the pending claims should now be allowable. For the reasons set out below, Applicant respectfully submits that Ferguson does not render the pending claims unpatentable, and thus respectfully requests that the Examiner withdraw the rejections.

A. A Patent Claim Is Not Unpatentable Under 35 U.S.C. § 102(e) Unless A Single Prior Art Reference Discloses Each And Every Limitation Of The Claim

The Office Action cites Section 102(e) as the sole basis for the Examiner's belief that Applicant's claims are unpatentable. Section 102 of Title 35 of the United States Code sets out conditions under which a person may not be entitled to a patent claim due to a lack of novelty. Under that Section, a person is entitled to a patent unless "the invention was described in a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent" 35 U.S.C. § 102(e)(2).

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A patent claim may not be held unpatentable under Section 102(e) unless the cited prior art reference discloses each and every limitation of the patent claim. *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999); *In re Lowry*, 23 F.3d 1579, 1584 (Fed. Cir. 1994). In both the *In re Robertson* decision and the *In re Lowry* decision, the Federal Circuit reversed the judgment of the Board of Patent Appeals and Interferences, the Appellate Court concluding that the patent claims were not unpatentable under Section 102(e) because the cited reference did not disclose each and every limitation of the claims. Likewise, in this case, the cited Ferguson reference does not disclose each and every limitation of any of Applicant's claims.

B. Ferguson Does Not Disclose Each And Every Limitation Of Any Of The Pending Patent Claims

As demonstrated in the following subsections, the cited Ferguson reference does not disclose each and every limitation of any of the patent claims pending in this case. Therefore, the rejections should be withdrawn.

1. The Ferguson Disclosure Differs Fundamentally From Applicant's Invention

Ferguson discloses a system for transferring product selection data from a merchant to subsequent merchant(s) and allows a secure central checkout for all product selection data from all the merchants. *See* Ferguson, abstract. The system disclosed in Ferguson allows a user upon finishing shopping at a particular merchant, to select another merchant or checkout. *Id.* At any time during the shopping or checkout, the user may modify items previously selected. *Id.* When the user requests to checkout, product selection data is transferred to the secure central checkout processor which processes the order. *Id.*

In contrast, Applicant's inventions relate to browsing and locating products using information about different products. For example, Applicant's claimed invention allows a user to browse or locate a merchant's product using information about a competing product. Ferguson does not disclose such invention.

2. Examiner's Failure To Cite The Particular Part(s) Of Ferguson Relied Upon In Rejecting Various Claims Is Improper

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Under 37 CFR § 1.104(c)(2), in rejecting claims for want of novelty, when a reference is complex or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as is practicable. 37 CFR § 1.104(c)(2). The pertinence of each reference, if not apparent, must be clearly explained with respect to each rejected claim. *Id.* Because the invention of Ferguson is different and the reference complex, the Examiner should have designated with particularity the part(s) of Ferguson relied upon in rejecting Claims 15, 16, and 19 as nearly as practicable. Applicant has studied the entirety of Ferguson and could not see how any portions of Ferguson may be said to render any of the pending claims unpatentable. Since there is no proper basis for the rejection of these claims, the Examiner is respectfully requested to withdraw the rejection and allow Claims 15, 16, and 19.

Likewise, the Examiner should have designated any part(s) of Ferguson relied upon in rejecting Claims 22 and 24 as nearly as practicable. Since there is no proper basis for the rejection of these claims, the Examiner is respectfully requested to withdraw the rejection and allow Claims 22 and 24.

3. Examiner's Treatment Of Different Independent Claims As Identical Is Improper

Claims 1, 15, 16, and 19 are independent claims and yet the Examiner has tried to maintain a rejection under 35 U.S.C. § 102(e) by treating them as identical. This is improper because each of these claims differ from each other and none are anticipated by Ferguson. Since there is no proper basis for the rejection of these claims, the Examiner is respectfully requested to withdraw the rejections based on Ferguson and allow Claims 15, 16, and 19. As discussed in greater detail below, even if the rejection was properly presented, which Applicant respectfully maintains it was not, Ferguson does not teach or suggest each and every limitation recited in Claims 1, 15, 16, and 19, and Applicant again respectfully requests the rejections be withdrawn.

Similarly, Claims 7, 22, and 24 are independent claims treated as identical by the Examiner in the Office Action. Because there is no proper basis for the rejection of these claims, the Examiner is respectfully requested to withdraw the rejections based on Ferguson and allow Claims 22 and 24. As discussed in greater detail below, even if the rejection was properly presented, which Applicant respectfully maintains it was not, Ferguson does not teach or suggest

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each and every limitation recited in Claims 7, 22, and 24, and Applicant again respectfully requests the rejections be withdrawn.

4. Claim 1 Is Allowable Over Ferguson

Claim 1 reads as follows:

1. A system for browsing products using competitor information, the system comprising:

a product database including first data representing a product, including second data representing a competing product, and including third data representing an association between said product and said competing product, said product database stored on a computer readable medium;

a dynamic page file for generating an electronic store page, said dynamic page file including instructions to use said second data as a query parameter to obtain said first data from said product database, said first data included in said electronic store page, said dynamic page file stored on said computer readable medium; and

a product information server responsive to a customer request for said electronic store page to access said dynamic page file, to process said instructions and to provide said electronic store page to said customer, said product information server running on a computer operably connected to said computer readable medium.

In the Office Action, the Examiner rejected Claim 1 as anticipated by Ferguson. A limitation-by-limitation analysis of the rejection shows that Ferguson does not, in fact, anticipate Claim 1.

a. Ferguson Does Not Disclose The Product Database Of Claim 1

The Examiner first addressed the following portion of Claim 1: **“a product database including first data representing a product, including second data representing a competing product, and including third data representing an association between said product and said competing product, said product database stored on a computer readable medium.”** In arguing that Ferguson discloses that portion of Claim 1, the Examiner cited to Figures 2-3 and to column 4, lines 12-57 of Ferguson.

Nothing in Figures 2-3 or column 4, lines 12-57 discloses at a minimum **“data representing an association between said product and said competing product.”** Applicant has studied Ferguson, particularly Figures 2-3 and column 4, lines 12-57 as cited by the Examiner, and

can find no disclosure of data representing an association between a product and a competing product as recited in Claim 1.

Figures 2-3 illustrate product data from the current merchant and user selection data from past merchants stored in the memory area of the current merchant computer, as well as the flow of user selection data between merchant computers and a checkout processor. However, user selection data is merely "information regarding products selected for purchase by a user." Ferguson, col. 6, lines 10-15. Thus, there is no disclosure of a product database including data representing an association between said product and said competing product as claimed.

Applicant has studied Ferguson, particularly column 4, lines 12-57 as cited by the Examiner, and can find no disclosure of data representing an association between a product and a competing product. The cited passage merely teaches that merchant B can store user selection data from merchant A and merchant B, or alternatively the selection data can be stored on the user computer or checkout processor, but no data representing any kind of association between competing items is ever created or stored, and nothing disclosed in Ferguson teaches or suggests to do so. *See* Ferguson, column 4, lines 12-57. Thus the user must himself find an alternative blue sweater at merchant B, since no association is kept in the database between the competing blue sweaters at merchants A and B. *Id.*

Because Ferguson fails to disclose third data representing an association between said product and said competing product in any form, it does not anticipate Claim 1.

b. Ferguson Does Not Disclose The Dynamic Page File Of Claim 1

The Examiner next addressed the portion of Claim 1 that reads: "**a dynamic page file for generating an electronic store page, said dynamic page file including instructions to use said second data as a query parameter to obtain said first data from said product database, said first data included in said electronic store page, said dynamic page file stored on said computer readable medium.**" The Examiner cited Figures 2-3 and column 4, line 58 to column 6, line 16 as disclosing the dynamic page file of Claim 1.

The cited portion of Ferguson describes: (1) a merchant computer that keeps a memory area to store product data and user selection data; (2) the flow of user selection data between merchant computers; (3) the checkout process for embodiment one, when user selection data is kept on the merchant computer; (4) the checkout process for embodiment two, when user

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selection data is kept on the user computer; (5) the checkout process for embodiment 3, when user selection data is kept in the checkout processor; and (6) fields of user selection data. *See* Ferguson, column 4, line 58 to column 6, line 16. But neither that disclosure nor any other part of Ferguson discloses a dynamic page file that includes instructions to use second data (representing a competing product) as a query parameter to obtain first data (representing a product) from a product database as recited in the claim. Ferguson does not disclose the use of any data representing any product as a query parameter, and further does not disclose any file that includes instructions for such use of such data as claimed.

Nothing in Ferguson discloses the dynamic page file of Claim 1. Thus, Ferguson does not render Claim 1 unpatentable.

c. Ferguson Does Not Disclose The Product Information Server Of Claim 1

The Examiner also assessed the final portion of Claim 1 that reads, in part: **“a product information server responsive to a customer request for said electronic store page to access said dynamic page file, to process said instructions and to provide said electronic store page to said customer.”** The Examiner cited to Figures 1-3 and column 6, lines 40-67 of Ferguson as disclosing the product information server of Claim 1.

Nothing in Figures 1-3 or column 6, lines 40-67 discloses the product information server as claimed. Figure 1 merely illustrates a network of merchant computers, a user computer, and a checkout processor and makes no mention of the dynamic page file, electronic store page, or processing instructions. Furthermore, Applicant has studied Ferguson, particularly column 6, lines 40-67, as cited by the Examiner, and can find no disclosure of the product information server as claimed. The cited portion of Ferguson merely describes the fields of user selection data.

Again, Figures 2-3 illustrate product data from the current merchant and user selection data from past merchants stored in the memory area of the current merchant computer, as well as the flow of user selection data between merchant computers and a checkout processor. However, user selection data is merely “information regarding products selected for purchase by a user.” Ferguson, col. 6, lines 10-15. Thus, Figures 2-3 do not disclose the product information server as claimed.

Ferguson does not disclose a product information server capable of processing instructions to use second data (representing a competing product) as a query parameter to obtain

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first data (representing a product) from a product database as recited in Claim 1. Since Ferguson nowhere describes such a product information server, it cannot render Claim 1 unpatentable.

d. Ferguson Does Not Render Claim 1 Unpatentable

Under Section 102(e), Claim 1 cannot be rendered unpatentable unless each and every limitation of Claim 1 is disclosed in Ferguson. *Robertson*, 169 F.3d at 745. Because Ferguson fails to disclose numerous limitations of Claim 1, Ferguson does not render Claim 1 unpatentable, and Applicant respectfully requests withdrawal of the rejection.

5. Claim 15 is Allowable Over Ferguson

Claim 15 reads as follows:

15. A product browsing system comprising:
a server computer having a network connection;
a product database including first data representing a product, including second data representing a competing product, and including third data representing an association between said product and said competing product, said product database residing on a computer readable medium of the server computer;
and
a dynamic page file for generating an electronic store page, said dynamic page file including instructions to use said second data as a query parameter to obtain said first data from said product database, said first data included in said electronic store page, said electronic store page transmitted via said network connection.

The Examiner did not cite to a specific portion of Ferguson that reads on the limitations of Claim 15. Rather, as discussed above, the Examiner appears to rely on the rejection of Claim 1 as sufficient to establish the Claim 15 rejection. Because Claim 1 and Claim 15 recite different limitations, such a rejection is improper.

Even if the rejection was properly made, Applicant respectfully maintains that Ferguson fails to disclose the limitations of Claim 15. For example, one of the limitations recited in Claim 15 reads: **"a product database including first data representing a product, including second data representing a competing product, and including third data representing an association between said product and said competing product, said product database residing on a computer readable medium of the server computer."** Applicant has studied Ferguson and can find no disclosure of data representing an association between a product and a

competing product as claimed. Further, Ferguson nowhere discloses storing such an association in a database.

The Examiner also did not cite to any specific part of Ferguson that teaches the dynamic page file limitation of Claim 15 that reads: **“a dynamic page file for generating an electronic store page, said dynamic page file including instructions to use said second data as a query parameter to obtain said first data from said product database, said first data included in said electronic store page, said electronic store page transmitted via said network connection.”** Applicant carefully reviewed Ferguson, and has found no disclosure anywhere of instructions of any kind for using data representing a competing product as a query parameter to obtain data representing a product as recited.

Ferguson does not disclose either the product database or the dynamic page file of Claim 15. Thus, Ferguson does not disclose each and every limitation of Claim 15 and cannot render Claim 15 unpatentable. The Examiner is respectfully requested to withdraw the rejection based on Ferguson and allow Claim 15.

6. Claim 16 Is Allowable Over Ferguson

Claim 16 reads as follows:

16. A method for retrieving information about a product using information about another product, said method comprising:
a step for storing information on a first set of products;
a step for storing information on a second set of products;
a step for storing an association between the first set of products and the second set of products said association representing product equivalency;
a step for establishing communication between a client computer and a server computer;
a step for transmitting a product identifier to the server computer, the product identifier representing a first product, the first product in the first set of products; and
a step for receiving, in response to the step for transmitting, competing product information describing a second product, the second product in the second set of products.

Claim 16 is directed to a method for retrieving information about a product using information about another product. The method of Claim 16 includes steps for storing information on a first set of products, information on a second set of products, and an association

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between the first set of products and the second set of products, the association representing product equivalency.

The Examiner did not cite to a specific portion of Ferguson that reads on the limitations of Claim 16. Rather, as discussed above, the Examiner appears to rely on the rejection of Claim 1 as sufficient to establish the Claim 16 rejection. Because Claim 1 and Claim 16 recite different limitations, such a rejection is improper.

Even if the rejection was properly made, Applicant has studied Ferguson, and can find no disclosure of retrieving information about a product using information about another product as recited in Claim 16. For example, Ferguson does not disclose the claimed step for **storing an association between the two sets of products that represents product equivalency**. Applicant has reviewed Ferguson and can not find the recited claim limitation. Nor does Ferguson disclose the claimed step for **transmitting a product identifier representing a first product and a step for receiving -- in response to the transmitting step -- competing product information describing a second product**. Nothing in Ferguson even remotely relates to the claimed steps of transmitting a product identifier and receiving competing product information that describes a different product.

In addition, Ferguson also fails to teach the claimed step for **storing an association representing product equivalency and the steps of transmitting a product identifier and receiving competing production information that describes a different product**. Because Ferguson does not disclose each and every limitation of Claim 16, the Examiner is respectfully requested to withdraw the rejection and allow Claim 16.

7. Claim 19 is Allowable Over Ferguson

Claim 19 reads as follows:

19. A competitor product hyperlink comprising:
competitor product identification information displayable on a computer screen, the competitor product identification information identifying a competing product;
a page file identifier identifying a corresponding product page file, the corresponding product page file including information that describes a second product that corresponds to and competes with the competing product; and
a product identifier identifying the second product.

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The Examiner did not cite to a specific portion of Ferguson that reads on the limitations of Claim 19. Rather, as discussed above, the Examiner appears to rely on the rejection of Claim 1 as sufficient to establish the Claim 19 rejection. Because Claim 1 and Claim 19 recite different limitations, such a rejection is improper.

Even if the rejection was properly made, Applicant has studied Ferguson, and can find no disclosure of information that describes a second product that corresponds to and competes with the competing product. For example, one of the limitations recited in Claim 19 reads: **“a page file identifier identifying a corresponding product page file, the corresponding product page file including information that describes a second product that corresponds to and competes with the competing product.”** Applicant has reviewed Ferguson and cannot find the recited claim limitation. Nothing in Ferguson even remotely relates to the claimed page file identifier limitation. Furthermore, Applicant has reviewed Ferguson in its entirety, and can discern no disclosure of the claimed **product identifier identifying the second product** of Claim 19.

Applicant respectfully requests that because Ferguson does not disclose each and every limitation of Claim 19, the Examiner withdraw the rejection of Claim 19 under 35 U.S.C. § 102(e).

8. Claims 2 And 3 Are Allowable Over Ferguson

Claim 2 reads as follows:

2. The system as described in Claim 1, wherein said product database includes data representing an association between a manufacturer and said second data, said system further comprising:

a second dynamic page file for generating a second electronic store page, said dynamic page file including second instructions to use information identifying a manufacturer as a query parameter to obtain said second data from said product database, said second data included in said second electronic store page, said second dynamic page file stored on said computer readable medium.

In the Office Action, the Examiner rejected Claim 2 as anticipated by Ferguson. A limitation-by-limitation analysis of the rejection shows that Ferguson does not, in fact, anticipate Claim 2.

Claim 2 is dependent upon Claim 1. Therefore, because Ferguson does not disclose each and every limitation of Claim 1, Ferguson cannot disclose each and every limitation of Claim 2. It is axiomatic that if a reference fails to disclose all the limitations of an independent claim, then the reference cannot disclose all of the limitations of a claim dependent upon the independent claim. Thus, for all the reasons stated above with respect to Claim 1, Ferguson does not render Claim 2 unpatentable.

In addition to all the limitations of Claim 1, Claim 2 includes the following limitation: **“a second dynamic page file for generating a second electronic store page, said dynamic page file including second instructions to use information identifying a manufacturer as a query parameter to obtain said second data from said product database, said second data included in said second electronic store page, said second dynamic page file stored on said computer readable medium.”** Applicant has studied Ferguson, particularly Figure 3 and column 10, lines 21-40, as cited by the Examiner, and can find no disclosure of the above limitation of Claim 2.

Figure 3 merely illustrates the flow of user selection data between merchant computers and a checkout processor, where the user selection data stores “information regarding products selected for purchase by a user.” Ferguson, column 6, lines 10-15. Furthermore, at column 10, lines 21-40, Ferguson describes the process of modifying user selection data and calculating charges. But neither this description, nor Figure 3 (discussed above), discloses the **second dynamic page file** recited in Claim 2.

Ferguson nowhere discloses any instructions (within a dynamic page file or otherwise) for using information identifying a manufacturer as a query parameter to obtain data representing a competing product from a product database. Because Ferguson does not disclose each and every limitation of Claim 2, Ferguson does not render Claim 2 unpatentable. Applicant respectfully requests the Examiner withdraw the rejection of Claim 2.

With respect to Claim 3, Applicant maintains that, because Claim 3 depends from Claims 1 and 2, which are patentably distinct over the cited art, Claim 3 must also necessarily be patentably distinct. Therefore, for at least the reasons stated above with respect to Claims 1 and 2, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 3 under 35 U.S.C. § 102(e).

9. Claim 4 Is Allowable Over Ferguson

In the Office Action, the Examiner rejected Claim 4 as anticipated by Ferguson. A limitation-by-limitation analysis of the rejection shows that Ferguson does not, in fact, anticipate Claim 4.

Claim 4 is dependent upon Claim 1. Therefore, because Ferguson does not disclose each and every limitation of Claim 1, Ferguson cannot disclose each and every limitation of Claim 4. It is axiomatic that if a reference fails to disclose all the limitations of an independent claim, then the reference cannot disclose all of the limitations of a claim dependent upon the independent claim. Thus, for all the reasons stated above with respect to Claim 1, Ferguson does not render Claim 4 unpatentable.

In addition to all the limitations of Claim 1, Claim 4 recites the following: **“an electronic store page having a hyperlink responsive to a customer selection of said hyperlink to generate said request.”** The Examiner cited to column 9, lines 1-28 of Ferguson as disclosing the above portion of Claim 4. However, the cited portion merely describes product selection by the user for Ferguson’s method of shopping. Applicant has studied Ferguson, particularly column 9, lines 1-28, as cited by the Examiner, and can find no disclosure of the claimed electronic store page hyperlink. Because Ferguson does not disclose each and every limitation of Claim 4, Ferguson does not render Claim 4 unpatentable. Applicant respectfully requests that the Examiner withdraw the rejection of Claim 4 under 35 U.S.C. § 102(e).

10. Claims 5 And 6 Are Allowable Over Ferguson

With respect to Claims 5 and 6, Applicant maintains that, because Claims 5 and 6 depend from Claims 1 and 4, which are patentably distinct over the cited art, Claims 5 and 6 must also necessarily be patentably distinct. Thus, the Examiner should withdraw the Section 102(e) rejections of Claims 5 and 6.

In addition to all the limitations of Claim 4, Claim 5 includes the following: **“a customer browser which transmits said second data to said page server upon said selection of said hyperlink.”** In arguing that Ferguson discloses Claim 5, the Examiner cited to Figure 5 of Ferguson and stated, “In figure 5, Ferguson discloses hyperlink by permitting a customer to link all the merchants’ products into one payment.” While Figure 5 illustrates a method of enabling a

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user to checkout by transferring the user's selection data to a checkout processor and allows one payment, it does not read on the limitations of Claim 5. *See* Ferguson, column 3, lines 13-15; column 9, lines 28-53. Applicant has studied Ferguson, particularly Figure 5, as cited by the Examiner, and can find no disclosure of the customer browser which transmits said second data. Because Ferguson does not disclose each and every limitation of Claim 5, Ferguson does not render Claim 5 unpatentable and Applicant respectfully requests withdrawal of the rejection.

In addition to all the limitations of Claim 5, Claim 6 includes the following:

a cost savings form on said electronic store page, said cost savings form receiving competing cost information about said competing product, said customer browser transmitting said cost information to said page server; and

second instructions in said dynamic page file for comparing said competing cost information and said product cost information to calculate cost savings information, said product information server providing said savings information to said customer.

The Examiner argued that Ferguson discloses the limitations of Claim 6, and in doing so, cited to Figure 5 of Ferguson. However, as mentioned above, Figure 5 merely illustrates a method of enabling a user to checkout by transferring the user's selection data to a checkout processor and allows one payment. *See* Ferguson, column 3, lines 13-15; column 9, lines 28-53. Applicant has studied Ferguson, particularly Figure 5 as cited by the Examiner, and can find no disclosure of the limitations of Claim 6.

Nowhere does Ferguson disclose the claimed electronic store page with a **cost savings form** that receives competing cost information about a competing product. Nor does Ferguson in any way disclose instructions in a dynamic page file for **comparing competing cost information and product cost information to calculate cost savings information**. Still further, Ferguson does not disclose the **product information server providing cost savings information to the user**.

Because Ferguson fails to disclose each and every limitation of Claim 6, Ferguson does not render Claim 6 unpatentable. For the reasons stated above, the Applicant respectfully requests that the Examiner withdraw the rejection of Claims 5 and 6 under 35 U.S.C. § 102(e).

11. Claim 7 Is Allowable Over Ferguson

Claim 7 reads as follows:

7. A method for locating information about a product using information about a corresponding product, said method comprising the steps of:

transmitting with a page server at least one corresponding product hyperlink to a customer browser, said at least one corresponding product hyperlink operatively associated with a corresponding product identifier representing a corresponding product and operatively associated with a page file identifier representing a corresponding product page file;

receiving with said customer browser said corresponding product hyperlink;

displaying with said customer browser information identifying a product, a portion of said displayed information selectable to activate said corresponding product hyperlink; and

responding to a selection of said portion by transmitting to said page server a request for said corresponding product page file and by transmitting to said page server said product identifier.

As the following discussion shows, Ferguson nowhere discloses any method for locating information about a product using information about a competing product, and certainly does not disclose the steps in Claim 7 for doing so. In rejecting Claim 7 the Examiner stated, "In other words, Ferguson discloses a user computer, a checkout processor, and one or more merchant computers are interconnected via a network. A user first selects a merchant and receives product information from the merchant. The user may select products from the merchant along with options for the selected items from multiple merchants." The Applicant has studied Ferguson, particularly Figure 4 as cited by the Examiner, and can find no disclosure of Claim 7. A limitation-by-limitation analysis of the rejection shows that Ferguson does not, in fact, anticipate Claim 7.

The Examiner first addressed the portion of Claim 7 that reads: **"transmitting with a page server at least one corresponding product hyperlink to a customer browser, said at least one corresponding product hyperlink operatively associated with a corresponding product identifier representing a corresponding product and operatively associated with a page file identifier representing a corresponding product page file."** The Examiner cited to column 9, lines 1-28 of Ferguson as disclosing this portion of Claim 7.

At column 9, lines 1-28, Ferguson describes product selection by the user for Ferguson's method of shopping. But Ferguson does not disclose the **corresponding product hyperlink** of Claim 7, which is **operatively associated with a corresponding product identifier**

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representing a corresponding product and also operatively associated with a page file identifier representing a corresponding product page file. Thus Ferguson does not disclose Applicant's recited corresponding product hyperlink.

Claim 7 also recites "**receiving with said customer browser said corresponding product hyperlink.**" Applicant has studied Ferguson, particularly column 12, lines 8-44, as cited by the Examiner, and can find no such disclosure. The cited portion relates to the user selecting items to purchase, modifying options, or removing items, and not at all to any receiving with a customer browser of the recited corresponding product hyperlink. Ferguson does not disclose this limitation of Claim 7.

In addition, Claim 7 recites "**displaying with said customer browser information identifying a product, a portion of said displayed information selectable to activate said corresponding product hyperlink.**" The Examiner argued that Ferguson discloses this subject matter and, to support the argument, cited to Figures 8, 9a, and 10a. But none of the cited figures of Ferguson or any other part of Ferguson discloses displaying information identifying a product, a portion of the displayed information selectable to activate the recited corresponding product hyperlink. Ferguson does not disclose that limitation of Claim 7.

Finally, Claim 7 recites "**responding to a selection of said portion by transmitting to said page server a request for said corresponding product page file and by transmitting to said page server said product identifier.**" The Examiner argued that Ferguson discloses this subject matter. To support that argument, the Examiner cited to Ferguson, column 13, lines 45-67. The cited portion does not disclose **responding to such selection by transmitting a request for a corresponding page file and also by transmitting a corresponding product identifier**. Rather than generating a request related to a corresponding product as claimed, Ferguson merely discloses generating a request related to the very same product selected. In contrast, Applicant's invention includes selecting displayed product information to generate a request related to a different, but corresponding product. Thus, again, Ferguson does not disclose each and every limitation of Claim 7.

In sum, Ferguson does not disclose each and every limitation of Claim 7. Thus, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 7 under 35 U.S.C. § 102(e).

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12. Claims 8-10 Are Allowable Over Fergerson

The Examiner rejected Claims 8-10 under 35 U.S.C. § 102(e) as being unpatentable over Fergerson.

First, Claims 8-10 each ultimately depend from Claim 7, and Applicant maintains that Claims 8-10 are patentably distinct over Fergerson for at least the same reasons applying to Claim 7 (described above). *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Claim 8 additionally includes, in part:

processing instructions in said page file to use said identifier to obtain data representing a corresponding product . . .

The Examiner did not cite to a specific portion of Fergerson that reads on the limitations of Claim 8. Applicant has studied Fergerson, and nowhere does it disclose **instructions in a page file that use an identifier to obtain data representing a corresponding product** as claimed. Additionally, Claim 8's limitation of page file instructions that use an identifier to obtain data representing a corresponding product provide further distinction over the cited art. Fergerson does not disclose each and every limitation of Claim 8, and thus cannot render Claim 8 unpatentable.

Because Claim 9 is dependent upon both Claim 7 and Claim 8, Fergerson does not disclose each and every limitation of Claim 9 for all the reasons provided above with respect to Claims 7 and 8.

In addition to all the limitations of Claim 8, Claim 9 includes the following:

at least one manufacturer hyperlink operatively associated with a manufacturer identifier representing a manufacturer and operatively associated with a second page file identifier representing a manufacturer product list page file . . .

The Examiner did not cite to a specific portion of Fergerson that reads on the limitations of Claim 9. Applicant has studied Fergerson, and nowhere does it disclose a **manufacturer hyperlink that is operatively associated with a manufacturer identifier representing a manufacturer and that is also operatively associated with a second page file identifier representing a manufacturer product list page file** as claimed. Also, Claim 9's manufacturing hyperlink limitation provides further patentable distinction over the cited art. Again, Fergerson

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does not disclose each and every limitation of Claim 9, and thus Ferguson does not render Claim 9 unpatentable.

Claim 10 is dependent upon Claims 7, 8 and 9, and thus Ferguson does not disclose all the limitations of Claim 10 for all the reasons provided above with respect to Claims 7, 8 and 9.

Moreover, Claim 10 additionally recites, in part:

processing second instructions in said manufacturer product list page file to use said manufacturer identifier to obtain data representing products of said manufacturer . . .

The Examiner did not cite to a specific portion of Ferguson that reads on the limitations of Claim 10. Applicant has studied Ferguson, and nowhere does it disclose any **instructions in a manufacturer product list page file** as claimed. Certainly, Ferguson nowhere discloses any instructions in a page file that are processed to use a manufacturer identifier to obtain data representing products of the manufacturer. Claim 10's instructions in a page file which are processed to use a manufacturer identifier to obtain data representing products of the manufacturer provide further distinction from the cited art. Thus, Ferguson does not disclose each and every limitation of Claim 10 and does not render Claim 10 unpatentable.

For the reasons stated above, Applicant respectfully requests that the Examiner withdraw the rejection of Claims 8-10 under 35 U.S.C. § 102(e).

13. Claim 22 Is Allowable Over Ferguson

Claim 22 reads as follows:

22. A method for obtaining information about a product using a competitor product hyperlink, the method comprising:

associating competitor product identification information as a displayable component of a competitor product hyperlink, the competitor product identification information displayable on a computer screen to identify a first product;

associating a product page file identifier as a parameter of the competitor product hyperlink, the product page file including information that describes a second product that corresponds to and competes with the first product;

displaying the competitor product identification information on a computer screen;

selecting at least a portion of the displayed competitor product identification information; and

responding to the selection by issuing a request for the product page file.

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The Examiner did not cite to a specific portion of Ferguson that reads on the limitations of Claim 22. Rather, as discussed above, the Examiner appears to rely on the rejection of Claim 7 as sufficient to establish the Claim 22 rejection. Because Claim 7 and Claim 22 recite different limitations, such a rejection is improper.

Even if the rejection was properly made, Applicant has reviewed Ferguson and respectfully submits that it does not disclose, at the least, the limitation of a method for obtaining information about a product using a competitor product hyperlink by **“associating competitor product identification information as a displayable component of a competitor product hyperlink, the competitor product identification information displayable on a computer screen to identify a first product.”** Further, Applicant respectfully submits that Ferguson does not disclose the limitation of **“associating a product page file identifier as a parameter of the competitor product hyperlink, the product page file including information that describes a second product that corresponds to and competes with the first product.”** Thus, the Applicant respectfully maintains that Ferguson fails to disclose these two limitations of Claim 22.

Claim 22 also includes the limitation of **“responding to the selection by issuing a request for the product page file.”** Applicant has reviewed Ferguson in its entirety, and can discern no disclosure of responding to the selection by issuing a request for the product page file where the product page file includes information that describes a second product that corresponds to and competes with the first product as claimed.

Under Section 102(e), Claim 22 cannot be rendered unpatentable unless each and every limitation of Claim 22 is disclosed in Ferguson. *Robertson*, 169 F.3d at 745. Because Ferguson fails to disclose numerous limitations of Claim 22, Ferguson does not render Claim 22 unpatentable and Applicant respectfully requests the Examiner to withdraw the rejection based on Ferguson and allow Claim 22.

14. Claim 24 Is Allowable Over Ferguson

Claim 24 reads as follows:

24. A method for obtaining information about a product using a competitor product hyperlink, the method comprising:
associating competitor product identification information as a displayable component of a competitor product hyperlink, the competitor product

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identification information displayable on a computer screen to identify a first product;

associating a product identifier as a parameter of the competitor product hyperlink, the product identifier identifying a second product that corresponds to and competes with the first product;

displaying the competitor product identification information on a computer screen;

selecting at least a portion of the displayed competitor product identification information; and

responding to the selection by automatically using the product identifier to request information about the second product.

The Examiner did not cite to a specific portion of Ferguson that reads on the limitations of Claim 24. Rather, as discussed above, the Examiner appears to rely on the rejection of Claim 7 as sufficient to establish the Claim 24 rejection. Because Claim 7 and Claim 24 recite different limitations, such a rejection is improper.

Even if the rejection was properly made, Applicant has reviewed Ferguson and respectfully submits it does not disclose, at the least, the limitation of a method for obtaining information about a product using a competitor product hyperlink by **“associating competitor product identification information as a displayable component of a competitor product hyperlink, the competitor product identification information displayable on a computer screen to identify a first product.”** Further, Applicant respectfully submits that Ferguson does not disclose the limitation of **“associating a product identifier as a parameter of the competitor product hyperlink, the product identifier identifying a second product that corresponds to and competes with the first product.”** Thus, the Applicant respectfully maintains that Ferguson fails to disclose these two limitations of Claim 24.

Claim 24 also includes the limitation of **“responding to the selection by automatically using the product identifier to request information about a second product.”** Applicant has reviewed Ferguson in its entirety, and can discern no disclosure of **“responding to the selection by automatically using the product identifier to request information about the second product”** where the product identifier identifies **“a second product that corresponds to and competes with the first product.”**

Under Section 102(e), Claim 24 cannot be rendered unpatentable unless each and every limitation of Claim 24 is disclosed in Ferguson. *Robertson*, 169 F.3d at 745. Because Ferguson

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fails to disclose numerous limitations of Claim 24, Ferguson does not render Claim 24 unpatentable and Applicant respectfully requests withdrawal of the rejection.

15. Claim 17 Is Allowable Over Ferguson

Claim 17 reads as follows:

17. A computer readable medium storing instructions which, when processed by a computer, perform the method as described in Claim 7.

Claim 17 depends from Claim 7 and because Ferguson does not disclose each and every limitation of Claim 7, Ferguson cannot disclose each and every limitation of Claim 17. Thus, for at least the reasons provided above in connection with Claim 7, Ferguson does not anticipate Claim 17.

In arguing that Ferguson discloses Claim 17, the Examiner cited to Figures 1 and 8-10e of Ferguson and stated, "Ferguson teaches a computer readable medium storing instructions and e-store dynamic page file." Applicant has studied Ferguson, particularly Figures 1 and 8-10e, as cited by the Examiner, and can find no disclosure of the **computer readable medium storing instructions which, when processed by a computer, perform the method as described in Claim 7**. Because Ferguson does not disclose each and every limitation of Claim 17, Ferguson does not render Claim 17 unpatentable. Thus, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 17 under 35 U.S.C. § 102(e).

16. Claims 20 And 21 Are Allowable Over Ferguson

The Examiner rejected Claims 20 and 21 under 35 U.S.C. § 102(e) as being unpatentable over Ferguson.

First, Claims 20 and 21 each depend from Claim 19, and Applicant maintains that Claims 20 and 21 are patentably distinct over the cited art for at least the same reasons applying to Claim 19 (described above). *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Claim 20 reads as follows:

20. A computer readable medium storing a competitor product hyperlink as described in Claim 19.

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Again, in arguing that Ferguson discloses Claim 20, the Examiner cited to Figures 1 and 8-10e of Ferguson and stated, "Ferguson teaches a computer readable medium storing instructions and e-store dynamic page file." Applicant has studied Ferguson, particularly Figures 1 and 8-10e, as cited by the Examiner, and can find no disclosure of the computer readable medium as recited in the context of Claim 20. Because Ferguson does not disclose each and every limitation of Claim 20, Ferguson does not render Claim 20 unpatentable.

Thus, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 20 under 35 U.S.C. § 102(e).

Claim 21 reads as follows:

21. A computer readable medium storing instructions which, when processed by a computer, access the competitor product hyperlink as described in Claim 19 and display on a computer display the competitor product identification information.

Again, in arguing that Ferguson discloses Claim 21, the Examiner cited to Figures 1 and 8-10e of Ferguson and stated, "Ferguson teaches a computer readable medium storing instructions and e-store dynamic page file." Applicant has studied Ferguson, particularly Figures 1 and 8-10e, as cited by the Examiner, and can find no disclosure of **a computer readable medium storing instructions which, when processed by a computer, access the competitor product hyperlink as described in Claim 19 and display on a computer display the competitor product identification information.** Because Ferguson does not disclose each and every limitation of Claim 21, Ferguson does not render Claim 21 unpatentable.

For the reasons stated above, Applicant respectfully requests that the Examiner withdraw the rejections of Claims 20 and 21 under 35 U.S.C. § 102(e).

17. Claims 23 Is Allowable Over Ferguson

Claim 23 reads as follows:

23. A computer readable medium storing instructions which, when processed by a computer, perform the method as described in Claim 22.

Claim 23 depends from Claim 22 and because Ferguson does not disclose each and every limitation of Claim 22, Ferguson cannot disclose each and every limitation of Claim 23. Thus,

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for at least the reasons provided above in connection with Claim 22, Ferguson does not anticipate Claim 23.

In arguing that Ferguson discloses Claim 23, the Examiner cited to Figures 1 and 8-10e of Ferguson and stated, "Ferguson teaches a computer readable medium storing instructions and e-store dynamic page file." Applicant has studied Ferguson, particularly Figures 1 and 8-10e, as cited by the Examiner, and can find no disclosure of the computer readable medium as recited in the context of Claim 23. Because Ferguson does not disclose each and every limitation of Claim 23, Ferguson does not render Claim 23 unpatentable and Applicant respectfully requests that the Examiner withdraw the rejection of Claim 23 under 35 U.S.C. § 102(e).

18. Claim 25 Is Allowable Over Ferguson

Claim 25 reads as follows:

25. A computer readable medium storing instructions which, when processed by a computer, perform the method as described in Claim 24.

Claim 25 depends from Claim 24 and because Ferguson does not disclose each and every limitation of Claim 24, Ferguson cannot disclose each and every limitation of Claim 25. Thus, for at least the reasons provided above in connection with Claim 24, the Ferguson does not anticipate Claim 25.

In arguing that Ferguson discloses Claim 24, the Examiner cited to Figures 1 and 8-10e of Ferguson and stated, "Ferguson teaches a computer readable medium storing instructions and e-store dynamic page file." Applicant has studied Ferguson, particularly Figures 1 and 8-10e, as cited by the Examiner, and can find no disclosure of the computer readable medium as recited in the context of Claim 25. Because Ferguson does not disclose each and every limitation of Claim 25, Ferguson does not render Claim 25 unpatentable and Applicant respectfully requests that the Examiner withdraw the rejection of Claim 25 under 35 U.S.C. § 102(e).

CONCLUSION

For the reasons stated above, Applicant submits that all the pending claims are patentably distinct over the cited art and thus are in condition for allowance. Applicant respectfully requests that the Examiner withdraw the rejections of the Claims 1-10, 15-17, 19-25, and pass the present application to issuance.

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If any pending issues remain or if any issues require further clarification, the Examiner is respectfully invited to call Applicant's representative at the number indicated below in order to promptly resolve such issues. Please charge any additional fees, including any fees for additional extensions of time, or credit overpayment to Deposit Account No. 11-1410.

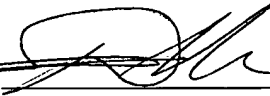
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

8/25/06

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